

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ULTIMATE CREATIONS, INC., an
Arizona corporation; WARRIOR and
DANA WARRIOR, husband and wife,

Plaintiffs,

vs.

VINCENT K. McMAHON and LINDA
McMAHON, husband and wife; TITAN
SPORTS, INC., a Connecticut
corporation; WORLD WRESTLING
ENTERTAINMENT, INC., a
Connecticut corporation,

Defendants.

VINCENT K. McMAHON and LINDA
McMAHON, husband and wife; TITAN
SPORTS, INC., a Connecticut
corporation; WORLD WRESTLING
ENTERTAINMENT, INC., a
Connecticut corporation,

Counterclaim-Plaintiffs,

vs.

WARRIOR,

Counterclaim-Defendant.

Case No.
CV06-0535-PHX-ROS

VIDEO DEPOSITION OF
DAVID CHRISTOPHER LEWIS

April 22, 2008

A P P E A R A N C E S

FOR THE DEFENDANTS/COUNTER-PLAINTIFFS:

GERALD J. SCHIRATO
Attorney at Law
K & L Gates
535 Smithfield Street
Pittsburgh, Pennsylvania 15222

ALSO PRESENT:

MATT POPLIN, Videographer

REPORTED BY: JANA NEIGHBORS, RPR

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VIDEO DEPOSITION OF DAVID CHRISTOPHER LEWIS,
called as a witness at the instance of the
Defendants/Counter-Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure on the 22nd day of
April, 2008, at Gibson Court Reporting, 606 West Main
Street, Suite 100, Knoxville, Tennessee, before Jana
Neighbors, Registered Professional Reporter and Notary
Public for the State of Tennessee.

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1 and your representations of Warrior that basically told
 2 you Warrior was difficult to work with. We talked about
 3 the Jakks people, for example, and the NAXCOM people.
 4 Are there any other instances that you can recall
 5 discussing with any other individuals, in a business
 6 sense, that Warrior was difficult to work with?
 7 **A. Yes. Yes. In my opinion, the key thing**
 8 **that prohibited Warrior from having a comeback either**
 9 **with New Japan Pro Wrestling or Total Nonstop Action**
 10 **Wrestling was the fact that -- well, I remember Dave**
 11 **Marquez with New Japan and Jerry Jarrett with TNA said**
 12 **that the reputation that Warrior has for being**
 13 **extraordinarily difficult to work with and things of**
 14 **that nature is the prime reason that we can't offer him**
 15 **the kind of money that he wants to come back.**
 16 **Jerry Jarrett in particular said it's not**
 17 **that I don't understand that Warrior has a huge amount**
 18 **of Q value and would have even more so if he came back.**
 19 **It's --**
 20 **Q. Can I stop you there real quick?**
 21 **A. Absolutely.**
 22 **Q. Now, the jury may not understand -- and you**
 23 **used the word "Q value" a lot today, and I think I have**
 24 **a good understanding of what that is, but could you**
 25 **explain to the jury what you mean when you say Q value?**

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1 And, again, I apologize for getting you off your train
 2 of thought, but --
 3 **A. Q value would be kind of just star power.**
 4 **That would be, you know, kind of maybe industry -- or**
 5 **entertainment-industry lingo for star power. How much**
 6 **of a draw that someone would be in terms of generating**
 7 **excitement, raising television ratings, raising**
 8 **pay-per-view buy rates, and be giving a boost in**
 9 **merchandising sales, that would be your Q value, how**
 10 **much you as a character bring to an organization, how**
 11 **much they're likely to benefit from you.**
 12 **Q. Okay. And now get back to where you were**
 13 **talking about. You were talking about Jerry Jarrett and**
 14 **his interactions with Warrior coming back to TNA, if**
 15 **you'd just continue. And if you need the court reporter**
 16 **to let you know where you left off, we can do that, too.**
 17 **A. No. Jerry said it's not that we don't know**
 18 **Warrior has Q value, probably more Q value than anyone**
 19 **on the roster at that point in time, but the truth is --**
 20 **and I remember he said very specifically, made this**
 21 **point very specifically, we can't afford to pay him the**
 22 **kind -- he said that it's not that we can't afford to**
 23 **pay him the money he wants. It's that we can't afford**
 24 **to pay him the kind of money he wants and risk that**
 25 **he'll hold us up for more money at Slammiversary.**

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1 **I remember Jerry used Slammiversary --**
 2 **which is kind of TNA's version of WrestleMania. It's**
 3 **their annual big wrestling event. He said we could not**
 4 **take the risk that Warrior would show up the night**
 5 **before Slammiversary and try to hold us up the way he**
 6 **did Vince in order to get more money and tank the show.**
 7 **We can't take that kind of financial risk.**
 8 **He said so we can pay him a decent amount**
 9 **of money to come on board, and after three or six months**
 10 **of producing and showing that, you know, he's not going**
 11 **to hold us up, he's not going to be a terrible pain to**
 12 **work with, then we can come back and renegotiate a**
 13 **long-term contract that would pay him more along the**
 14 **lines of what he expects.**
 15 **Q. So Jerry Jarrett, who, for the jury, we've**
 16 **seen him today in some video, he's a fellow wrestling**
 17 **promoter, was throughout history, he's a pretty well**
 18 **respected promoter and obviously works with Total**
 19 **Nonstop Action, TNA, which you've discussed a few times**
 20 **today already, Jerry Jarrett expressed to you that he**
 21 **was concerned that he would be held up for money, much**
 22 **like Vince McMahon was. So, actually, Jerry Jarrett**
 23 **confirmed the hold-up story that Warrior had -- I just**
 24 **lost my train of thought. I apologize. Strike that**
 25 **from the record.**

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1 **So, basically, Jerry Jarrett, who is a**
 2 **fellow promoter in the business, confirmed the hold up**
 3 **of Vince McMahon's story and was also concerned that**
 4 **Warrior had not changed, and that given the same**
 5 **circumstances, he may find himself in the position where**
 6 **Warrior was refusing to go onstage or unwilling to go**
 7 **out and perform a show unless he got more money?**
 8 **A. Well, let me be clear. Jerry didn't**
 9 **represent that he knew for a fact that the hold-up story**
 10 **was true.**
 11 **Q. Okay.**
 12 **A. But he did say -- he believed it to be**
 13 **true.**
 14 **Q. And these -- strike that from the record.**
 15 **It's been a long day.**
 16 **Your interactions with Jerry Jarrett**
 17 **regarding Warrior's participation in Total Nonstop**
 18 **Action Wrestling occurred prior to WWE's release of the**
 19 **"Self-Destruction" DVD. Correct?**
 20 **A. Yes. Yes.**
 21 **Q. So any belief that Jerry Jarrett had that**
 22 **Warrior had held Vince McMahon up for money would have**
 23 **been prior to the release of the "Self-Destruction" DVD?**
 24 **A. Yes, it would have been.**
 25 **Q. Did Warrior ever discuss with you his**

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rule, most people do decide to waive. So --

THE WITNESS: I'll waive.

MR. SCHIRATO: Okay. Thank you very much.

FURTHER THIS DEPONENT SAITH NOT.

(The deposition concluded at 3:57 p.m.)

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CERTIFICATE

STATE OF TENNESSEE

COUNTY OF KNOX

I, Jana Neighbors, Registered Professional Reporter and Notary Public, do hereby certify that I reported in machine shorthand the deposition of DAVID CHRISTOPHER LEWIS, called as a witness at the instance of the Defendants; that the said witness was duly sworn by me; that the reading and subscribing of the deposition by the witness was waived; that the foregoing pages were transcribed by me and constitute a true and accurate record of the deposition of said witness.

I further certify that I am not an attorney or counsel of any of the parties, nor an employee or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Witness my hand and seal this the 3rd day of May, 2008.

Jana Neighbors
Registered Professional Reporter
and Notary Public
My Commission Expires:
August 11, 2009